

CITY COUNCIL AGENDA

MARCH 9, 2004

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
TERRY O. GREGORY
DAVID D. CORTESE
JUDY CHIRCO
PAT DANDO, VICE MAYOR

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Economic and Neighborhood Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Recreation and Cultural Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Aviation Services*** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.htm

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call 1 (408) 277-4424 or 1 (408) 998-5299 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
See Separate Agenda
1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Invocation (District 3)**
- **Pledge of Allegiance**
- **Orders of the Day**

ITEMS 10.1 AND 10.2 ARE TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

1 CEREMONIAL ITEMS

2 CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

2.2 Final adoption of ordinances.

2 CONSENT CALENDAR

2.3 Approval to purchase a fire station alert system.

Recommendation: Report on a request for proposal (RFP) and adoption of a resolution authorizing the Director of General Services to:

- (a) Execute an agreement with Mobile Radio Engineers LLC, d.b.a. Day Wireless Systems for the purchase of a fire station alert system, for a total cost of \$129,024.44, including delivery, installation, training, tax, and one year of maintenance and support; and
- (b) Execute change orders in an amount not to exceed a 5% contingency to cover unanticipated changes in the system design and/or installation. CEQA: Not a project.

(General Services)

2.4 Approval to donate a Chevrolet Suburban Utility Vehicle to the Santa Clara County Black Fire Fighters Association.

Recommendation: Adoption of a resolution authorizing the Director of General Services to execute all documents necessary for the donation of one Chevrolet Suburban Utility Vehicle with a total estimated value of \$5,100 to the Santa Clara County Black Fire Fighters Association. CEQA: Not a Project. (General Services)

2.5 Approval to submit a grant application for Proposition 40 funds for the Coyote Creek Trail Development.

Recommendation: Adoption of a resolution authorizing the City Manager to submit and accept a grant application, in the amount of \$370,000, for Coyote Creek Trail, and negotiate and execute all necessary documents for Proposition 40 funds: The California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002. CEQA: Not a Project. Council District 7. SNI: Spartan/Keyes. (Parks, Recreation and Neighborhood Services)

2.6 Approval of various actions related to a Historic Landmark initiation.

Recommendation: Adoption of a resolution to:

- (a) Initiate proceedings to consider the Nevills-Campisi House (84 S. Sixth Street) a landmark of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature, HL03-149.
- (b) Set a public hearing on April 27, 2004 at 1:30 p.m.
- (c) Refer the matter back to the Historic Landmarks Commission for its consideration at a public hearing, report and recommendation.

CEQA: Exempt, File No. HL03-149. Council District 3. SNI: 13th Street. (Planning, Building and Code Enforcement)

2 CONSENT CALENDAR

2.7 **Approval of purchase agreements for the City's right-of-way along North White Road between McKee and Mabury Roads.**

Recommendation: Approval of 13 purchase agreements for real property along North White Road between McKee and Mabury Roads, together with immediate rights of entry on each of the 13 properties, for a total amount of \$383,550, and authorization for the Director of Public Works to execute any additional documents necessary to complete these transactions. CEQA: Negative Declaration, PP03-11-355. Council District 5. (Public Works)

2.8 **Approval of an agreement for the purchase of land located at the River Oaks Reach of the Coyote Creek Trail.**

Recommendation: Adoption of a resolution authorizing the Director of Public Works to approve and execute an agreement with the State of California for the purchase of an easement over a portion of land located at the River Oaks Reach of the Coyote Creek Trail between State Route 237 and the Montague Expressway in the amount of \$22,000, and to execute any additional documents necessary to complete the transaction. CEQA: Exempt, PP03-07-230. Council District 4. (Public Works)

2.9 **Approval to summarily vacate a portion of Palmilla Drive and the Public Service Easement on both sides of Palmilla Drive between Rio Robles East and Descanso Drive.**

Recommendation: Adoption of a resolution summarily vacating a portion of Palmilla Drive and the Public Service Easement (PSE) on both sides of Palmilla Drive between Rio Robles East and Descanso Drive. CEQA: Resolution No. 68667 and Addenda hereto, PDC03-043. Council District 4. (Public Works)

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

3.2 Report of the Rules Committee – February 25, 2004

Vice Mayor Dando, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review March 9, 2004 Draft Agenda
 - (2) Add New Items to March 2, 2004 Amended Agenda
 - Mayor and Council Member Requests
 - City Manager Requests
 - City Attorney Requests
 - City Clerk Requests
 - (3) List of Reports Outstanding
- (c) Legislative Update
 - (1) State
 - (a) Report on Proposed State Bills Pertaining to Megan's Law
HEARD BY COUNCIL ON 3/2/04
 - (2) Federal
- (d) Meeting Schedules
- (e) The Public Record
- (f) Appointment to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) City Attorney's response to Council Member Cortese's request to expand the role of Project Diversity Screening Committee and request for Proposition 209 history
- (h) Oral communications
- (i) Adjournment

3.3 Report of the Making Government Work Better Committee

Council Member Campos, Chair

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.1 Report of the Building Strong Neighborhoods Committee

Council Member Chavez, Chair

4.2 Report of the Driving a Strong Economy Committee – February 23, 2004

Council Member Williams, Chair

- (a) Report on the Workforce Investment Network
- (b) Oral communications
- (c) Adjournment

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.3 Approval of actions for the Ice Centre of San José (Logitech Ice). (Economic Development Strategy Initiative)

Recommendation:

- (a) Approval of an Expansion Agreement with San José Arena Management LLP, regarding the construction and financing of the second expansion to the Ice Centre of San José (Logitech Ice).
 - (b) Approval of the Amended and Restated Lease and Management Agreement with San Jose Arena Management LLP for the operations and management of the Ice Centre of San José (Logitech Ice).
- (Economic Development)

4.4 Approval of actions related to an acquisition of property located on Story Road.

Recommendation: Adoption of a resolution:

- (a) Determining that public use and necessity require the acquisition of a portion of the property located at 888 Story Road, owned by Dennis K. Nazloo and Tony A. Gevergiz.
- (b) Finding that:
 - (1) The property to be taken is necessary for the completion of the Story Road Widening Project (Senter Road to McLaughlin Avenue);
 - (2) The proposed project is planned and located in the manner which will be most compatible with the greatest public good and the least private injury;
 - (3) City staff established an amount of just compensation not less than the approved appraisal of the fair market value;
 - (4) City staff presented an offer to the owners for the full appraised amount; and
 - (5) The proposed taking and use are authorized by law.
- (c) Directing the City Attorney to file an eminent domain action to acquire the above property interests.

CEQA: Exempt, PP02-11-333. Council District 7. (Public Works)

4.5 Approval of the workplan related to the procurement of technology, furniture, equipment, and relocation services for the New Civic Center.

Recommendation: Approval of the workplan for implementation of City Council direction to pursue savings in the procurement of technology, furniture, equipment, and relocation services for the New Civic Center. CEQA: New Civic Center project: Resolution No. 68905. CEQA: New Civic Center Parking Garage: Resolution No. 71743. (City Manager's Office/Public Works/Information Technology/Finance/General Services)

(Council referral 2/3/04 – Item 4.3)

5 RECREATION & CULTURAL SERVICES

- 5.1 Report of the All Children Achieve Committee**
Council Member Yeager, Chair

6 TRANSPORTATION SERVICES

- 6.1 Report of the Building Better Transportation Committee**
Council Member Cortese, Chair

7 ENVIRONMENTAL & UTILITY SERVICES

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEMS 10.1 AND 10.2 IN A JOINT SESSION

- 10.1 Acceptance of the quarterly CIP and SNI status reports.**

Recommendation: Acceptance of the quarterly report on the Citywide Capital Improvement Program (CIP), including park, library, public safety bond projects, and Strong Neighborhoods Initiative (SNI) Projects. CEQA: Not a Project. (City Manager's Office/Redevelopment Agency)

- 10.2 Approval of status report regarding Getting Families Back to Work.**

Recommendation: Approval of status report regarding Getting Families Back to Work. CEQA: Not a Project. (City Manager's Office)
(Council referral 12/16/03 – Item 4.4)

ADJOURN REDEVELOPMENT AGENCY BOARD PORTION OF THE MEETING

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.
- Adjournment